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II. Pak response to Mumbai attacks

Pakistani leaders and Officials after the attack on Mumbai made different statements that indicate continuous prevarication.

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Visit of DG, ISI to India

- **Initial position:** On 28 Nov 2008, Pakistan PMO and FO issued Press Releases that DG ISI would visit India.
- **Changed Position:** Later on, on 28th Nov 2008 night a spokesman for Prime Minister's House said that a representative of the Inter-Services Intelligence (ISI) will visit India instead of the Director General.

On 30 Nov 2008, President Zardari said in an interview: "There was a miscommunication. We had announced that a director will come from my side. That is what was requested by the (Indian) prime minister and that is what we agreed".

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Air Space violation and Military Buildup

- On 13 Dec 2008, PM Gilani said it was a minor technical mistake. Information Minister Sherry Rehman said it was inadvertent.
- On 14 Dec 2008, President Zardari said it was a technical mistake
- On 18 Dec 2008 Pakistan conveyed its concern on technical and air space violations by Indian aircraft alleged on 12 and 13 December 2008.
- Airspace violation was denied by India on 13.12.2008 itself.

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Kasab's Identity and Involvement of Pakistani Nationals

- A Sunday Observer Newspaper report on 7/12/08 has established that the lone surviving gunman caught by Indian police during last week's terrorist attacks on Mumbai came from Faridkot village in the Okara district of the Pakistani Punjab.
- On 13 Dec 2008, GEO TV reported that when Ajmal Kasab's father was shown the pictures published in newspapers after Mumbai attacks, he confirmed that the man in the picture was his son.
- On 9 Dec 2008, PR of Pakistan to UN at UNSC said that i) the Government of Pakistan has already initiated investigations on its own pertaining to the allegations of involvement of persons and entities in Mumbai ii) an intelligence led operation strongly supported by law enforcement agencies is already underway to arrest the individuals alleged to be involved in the Mumbai attacks.

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Kasab's Identity and Involvement of Pakistani Nationals (2)

Changed position

- On 17 Dec 2008 Pakistan's High commissioner to India, Shahid Malik said that Ajmal Kasab is not a Pakistani citizen.
- On 17 Dec 2008, President Zardari in an Interview to BBC said that there is still no proof that the gunmen who attacked Mumbai came from Pakistan

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Chronology of contradictory statements on Masood Azhar

- On 9-12-08 Defence Minister Chaudhry Ahmed Mukhtar told CNN-IBN that Masood Azhar has been detained and that Pakistan "might allow" Indian investigators to question him.
- On 9-12-08 itself a Bhawalpur police official told Aaj TV that Masood Azhar's movements have not been restricted.
- On 10-12-08 PM Gilani told reporters that "We are awaiting the latest reports about Masood Azhar". He did not confirm or deny Masood Azhar's detention.

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Chronology of contradictory statements on Masood Azhar

(2)

- On 17-12-08, Pakistan High Commissioner to India told 'Network 18' that Pakistan government had not detained Azhar as part of the ongoing clampdown on militant and terrorist groups. He also claimed Masood Azhar was not in Pakistan.
- On 17-12-08 FM Qureshi told "News Eye" at 9 pm that Masood Azhar is "in custody".
- On 17-12-08 at 10 pm FM Qureshi said that "Masood Azhar is wanted by the government of Pakistan, but he is not in our custody and he is at large"
- On 18-12-08 MFA PR stated "The Foreign Minister had said that Mr. Masood Azhar is wanted by the law enforcement authorities of Pakistan and is at large".

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Hoax Call Issue

- Government of Pakistan Officials claimed that the President of Pakistan received a threatening call from the External Affairs Minister of India on 28-11-08. It subsequently emerged that the call was a hoax. Pakistan has however continued to harp on this to build up hysteria about India-Pakistan tensions.
- It has been clarified by our External Affairs Minister that:
- "My last and only conversation with President Zardari was in Islamabad during my May 2008 visit".
- "The only telephonic conversation with a Pakistani leader I had was on 28-11-08 with FM Pakistan in New Delhi".
- "I can only ascribe this to those in Pakistan, who wish to divert attention from the fact that a terrorist group operating from the Pakistani territory, planned and launched a ghastly attack on Mumbai".

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Mrs. Benazir Bhutto's Assassination Enquiry

- Mrs. Benazir Bhutto was assassinated on Dec 27, 2007 and the crime scene was cleared before any forensic examination could be completed.
- Details of the plot of the assassination remained a mystery. Mrs. Bhutto herself in a letter in Oct 2007, to the President of Pakistan had named serving and retired intelligence officers as being involved in a plot to kill her.
- Many believed that the Government was involved in the assassination, leading to wide spread demands in Pakistan for an impartial enquiry.
- On 31st May 2008 Pakistan formally requested UN Secretary General to establish an independent Commission of Inquiry into the circumstance of the killing of former PM Benazir Bhutto.
- UN Secretary General announced on 26th December 2008 that UN is in consultations with the GOP to set up such a Commission

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III. Evidence Shared with Pakistan

Information has been shared with Pakistan in different meetings from August 2004 till November 2008 repeatedly on:

- Terrorist Attacks in India by Organisations and Entities in Pakistan
- Fugitives from Indian Law
- Other terrorism related cases.

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Home Secretaries' Talks 10-11Aug, 2004

- Details of 20 major incidents of terror in Jammu and Kashmir and other parts of India caused by Pakistan based /ISI sponsored terrorist outfits.
- Details of 21 major terrorist modules busted in various parts of India revealing involvement of Pakistan based/ISI sponsored terrorist outfits.
- List of 12 known training camps in Pakistan /Pakistan occupied Kashmir used by terrorist outfits along with map.
- List of 31 communication control stations in Pakistan/Pakistan occupied Kashmir used by terrorist outfits along with maps.
- List along with details of 25 most wanted fugitives from law in India who are residing in Pakistan.
- Sample cases showing involvement of ISI and Pak nationals in circulation of Fake Indian Currency Notes (FICNs) into India.
- List of 257 Pakistani nationals and foreign mercenaries killed in Jammu and Kashmir as claimed by terrorist outfits based in Pakistan/Pakistan occupied Kashmir.

Home Secretaries' Talks 29-30th August , 2005

- List along with details of most wanted fugitives from law in India who are residing in Pakistan: Dawood Ibrahim Kaskar @ Shaikh Dawood Hasan @ Dawood Sabri (Indian), Memon Ayub Abdul Razak (Indian), Memon Ibrahim @ Tiger @ Mushlag @ Sikander (Indian), Shaikh Shakeel @ Chhota Shakeel (Indian), Ibrahim Athar @ Ahmed Ali Mohd Ali Sheikh @ Siddiqui Javed @ Chiet @ AA Sheikh @ Ibrahim (PAK), Azhar Yusuf @ Mohd. Salim (PAK), Mistr Zahur Ibrahim @ Bhola (PAK), Sayeed Shahid Akhtar @ Doctor @ Moti Khalid (PAK), Shakir Md. @ Shankar @ Rajesh Gopal Verma @ Ram Gopal Verma @ Farooq Abdul Aziz Siddiqi (PAK), .Ishaq Atta Hussain @ Ali Moosa (Indian), Sagir Sabir Ali Shaikh (Indian), Maulana Mohammad Masood Azhar Alvi @ Maulana Masood Azhar @ Vali Adam Isa (PAK), .Mohd. Yusuf Shah @ Salauddin (Indian), Gajinder Singh @ GAJinder Singh Khalsa (Indian), Lakhbir Singh @ Singh Lakhbir Rode @ Singh Lakhbir (Indian), Paramjit Singh Panjwar @ Paramjit Pamma @ Gian Singh (Indian), Ranjit Singh @ Manpreet Singh @ Neeta (Indian), Wadhawa Singh (Indian), .Anwar Ahmed Haji Jamal Theba (Indian), Anis Ibrahim Kaskar Shaikh (Indian), Mohammad Ahmed Dosa (Indian), Amanullah Khan (PAK), Aftab Balki (PAK), Abdul Rauf (PAK), Javed Patel @ Javed Chikna @ Javed Dawood Talor (Indian), Kanmulla Habib Shaikh (Indian), Slaim Abdul Gani Gazi (Indian), Riyaz Abu Bakar Khatiri (Indian), Munaf Abdul Majid Hatari (Indian), Mohd. Tainur Mohd. Phansopkar Salim Mujahid (Indian).

Home Secretaries' Talks 30-31st May, 2006

- Details of recent major incidents of terror in J&K and other parts of India caused by Pakistan /Pakistan occupied Kashmir-based/ISI sponsored terrorist outfits.
- Details of recent major terrorist modules neutralised in various parts in India revealing involvement of Pakistan/Pakistan occupied Kashmir-based/ ISI sponsored terrorist outfits.
- Profile of a ISI element involved in narcotic smuggling and pushing in of fake Indian currency for terrorist actions.
- List of known major training camps in Pakistan / Pakistan occupied Kashmir and Northern Areas used by terrorist outfits along with maps.
- List of communication Control Stations in Pakistan/ Pakistan occupied Kashmir used by terrorist outfits along with map.
- List (of 35) along with details of most wanted fugitives from law in India who are residing in Pakistan.
- List of Pakistan and foreign mercenaries recently killed/ arrested in India.

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Foreign Secretaries' 14-15th Nov, 2006

- **Document handed over by Indian Foreign Secretary to Pakistan Foreign Secretary on 14th November, 2006 regarding Pakistan links to :**
- Varanasi twin blasts on March 7, 2006
- Delhi Serial Blasts on October 29, 2005.
- Suicide bombing at STF office, Hyderabad on Oct 12, 2005.
- Terrorist attack at Ayodhya on July 5, 2005

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I Meeting of JATM 6th March, 2007

- **Details of 35 Red Corner Notice Subjects residing in Pakistan already shared with the Pakistani side at Home Secretary Talks on Counter Terrorism and Drug Trafficking (30th -31st May, 2006).**
- **A document containing details of following 12 cases was handed over:**
 - Deportation of Mohammad Faisal Naeem from Bangladesh to Pakistan.**
 - Haren Pandya murder case**
 - Explosions in public transport buses in Ahmedabad.**
 - Suicide bombing at Special Task Force (Hyderabad Police) office**
 - Recovery of arms, ammunition and explosives in Aurangabad**
 - Fidayeen attack on Congress rally in Srinagar.**
 - Grenade attacks on tourists in Srinagar**
 - Violence carried out by Mohammad Amin Baba of Hizb-ul-Mujahideen**
 - Planting of improvised explosive devices in Baramulla, J&K**
 - Attack on security forces at Boniyar, Baramulla, J&K**
 - Escape of Ghulam Rasool Shah from police custody.**
 - Serial blasts in Mumbai local trains**

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Home Secretaries' Talks 3 – 4 July, 2007

- **Details of recent major incidents of terror in J&K and other parts of India caused by terrorist outfits based in Pakistan/ Pakistan occupied Kashmir.**
- **Details of recent major terrorist modules exposed in J&K and other parts of India revealing involvement of terrorist outfits based in Pakistan/Pakistan occupied Kashmir**
- **Specific cases of involvement of elements in Pak Intelligence establishment in fomenting anti-India activities including terrorism, narcotic smuggling, circulation of FICN, etc.**
- **List of known major training camps in Pakistan /Pakistan occupied Kashmir & Northern Areas used by terrorist outfits along with maps.**
- **List of Communication Control Stations in Pakistan/Pakistan occupied Kashmir used by terrorist outfits along with map.**
- **List along with details of most wanted fugitives from law in India who are residing in Pakistan.**
- **List of Pakistani and other foreign terrorists recently killed/arrested and their involvement in terrorist activities in India.**

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II Meeting of JATM 22nd Oct, 2007

- **Document handed over by India containing information based on interrogation on the following:** Muhammad Younas @ Bilal of Lashkar-e-Tayyaba, Abdullah @ Asgar Ali of Lashkar-e-Tayyaba, Muzaffar Ahmed Rather @ Rafi of Lashkar-e-Tayyaba, Muhammad Bilal @ Zubair of Jaish-e-Muhammad, Adnan Younis Bhatti @ Muhammad Sohail Afzal of Jaish-e-Muhammad, Jalaluddin Mulla @ Babu Bhai of Harkat-ul-Islami, Muhammad Naushad of Harkat-ul-Jihad-al-Islami, Nasir Hussain of Harkat-ul-Jihad-al-Islami, Muhammad Yaqub of Harkat-ul-Jihad-al-Islami, Sheikh Mukhtar Hussain of Harkat-ul-Jihad-al-Islami, Muhammad Ali Akbar Hussain of Harkat-ul-Jihad-al-Islami, Muhammad Yasin @ Abu Saraka of Lashkar-e-Tayyaba, Akhtar Teli @ Akhtar-al-Islam of Lashkar-e-Tayyaba, Mubarak Ahmed Wani of Hizb-ul-Mujahideen.
- **Information gathered in the investigations of the following events:** Attack on Mangal Ram Sharma (ex-Dy.CM) Srinagar on 13-07-2004, Terrorist attack on Prime Minister's meeting – Srinagar on 17-11-2004, Terrorist Attack on Bombay – Gujral Hotel Srinagar on 29-07-2005, Terrorist attack on M.Y. Tarigami (MLA/CPM) and assassination of Ghulam Nabi Lone (Ex-MOS, Education) on 18-10-2005, Terrorist attack on CRPF Camp, Nageen, Srinagar, Terrorist attack on Firdaus Cinema Hall – Srinagar on 23-11-2005 and Robbery at J&K Bank in Srinagar on 30-11-2005.
- **A consolidated list of 48 (absconders wanted in Mumbai Blast Cases 1993 + Hijackers of IC-814 + Attackers of Parliament + Sikh Terrorists + Accused involved in illegal arms smuggling + Other activities) was handed over**

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III Meeting of JATM 24th June, 2008

- **Document handed over containing information based on the interrogation of:** Imran Shahzad @ Abu Shama of Lashkar-e-Tayabba, Muhammad Farooq Bhatti @ Abu Zaar of Lashkar-e-Tayabba, Sabahuddin Ahmad @ Farhan of Lashkar-e-Tayabba, Muhammad Sharief @ Suhail of Lashkar-e-Tayabba involved in the **Attack on CRPF camp at Rampur – Januray 01, 2008**
- **Nissar Ahmad Bhat @ Gazi Misbahuddi of Hizbul Mujahideen and Tajamul Islam @ Asif of Hizbul Mujahideen involved in the Terrorist strike by Lashkar-e-Tayabba (LeT) at Samba, J&K**
- **Muhammad Abid @ Safdar of Jaish-e-Muhammad, Saiful Rehman @ Yusuf Khan of Jaish-e-Muhammad, Mirza Rashid Beig @ Raja of Jaish-e-Muhammad involved in a Plan to kidnap a political personality**
- **Saqib Aziz Malik @ Abu Sayeed of Lashkar-e-Tayyaba, Tafeem Akmal Hashmi @ Feema of Al Badar, Qurban Ali @ Zubair of Hizbul Mujahideen and Zafar Iqbal Sudan @ Rehman of Jaish-e-Muhammad involved in an explosion in Shrinagar Cinema Hall, Ludhiana, Punjab on 14-10-07**
- **List of terrorists of Lashkar-e-Tayyaba (LeT) killed in India – as Claimed in JuD/ LeT periodicals.**

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Special meeting of JATM 24-10-2008

- **Document handed over by India containing information based on the interrogation of**
Karimullah Dsain Khan @ Karimullah Habib of Dawood Ibrahim Gang (Karimulla has confirmed presence of 14 criminals accused in Bombay blasts in 1993 in Karachi, Pakistan)
Raziuddin Nasir @ Abdul Rehman of Lashkar-e-Tayyaba (LeT)
Muhammad Fahad @ Nedulthanni @ Muhammad Koya of Al Badar
Muhammad Ali Hussain @ Jehangir @ Kasim of Al Badar
Muhammad Imran Butt @ Umar Saani of Lashkar-e-Tayyaba (LeT)
Sikander Azam Sani Butt @ Abu Hurrera of Lashkar-e-Tayyaba (LeT)
Muhammad Hashim Khan @ Darvesh of Harkat-ul-Mujahideen (HuM)
- **Leads on attack on Indian Embassy in Kabul on 7th July, 2008**

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Home Secretaries' Talks 25-26 Nov 2008

- **Details of 32 Indian and 10 Pakistani fugitives and who are based in Pakistan handed over. The list contains the names of fugitives like Dawood Ibrahim, Masood Azhar, Tiger Memon, and others.**

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**Sample of Responses given by
Pakistan to evidence shared during
meetings**

- Investigations so far have not yielded anything linked to attack on the Embassy being present in Pakistan (Special Session of JATM) in October 2008
- On the evidence given on statements and operations of JeM, LeT, JuD, the Pakistani response was that all these groups were banned or under watch in Pakistan.
- LeT & JeM have already been banned in Pakistan

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IV. Pakistan's Commitments and Obligations

Bilateral, International, and Multilateral commitments obligate Pakistan to act against Terrorism emanating from its territory. These are listed in the following slides:

Bilateral Commitments

- President Musharraf assured Prime Minister Vajpayee that he will not permit any territory under Pakistan's control to be used to support terrorism in any manner. **[Joint Statement of 6th January 2004]**
- President Zardari reassured Prime Minister Manmohan Singh that the Government of Pakistan stands by its commitments of January 6, 2004, not to permit any territory under Pakistan's control to be used to support terrorism in any manner. **[Joint Statement of 24th September 2008]**

International Obligations

- **International convention for the Suppression of Terrorist Bombings, 1997.**
 - Article 2 makes it an offence to detonate an explosive in or against a place of public use, a state or govt. facility. Any person who participates as an accomplice is also covered as an offender.
 - Under Article 7 a State which receives information about such offender is required to take measures to ensure his presence for prosecution or extradition.
 - All persons who participated in or contributed to the terrorist attack are covered under this Convention.
 - Pakistan as a State Party is required to extradite or prosecute such offenders and also provide mutual legal assistance in investigation or prosecution.

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International Obligations

- **International Convention Against the Taking of Hostages, 1979.**
 - Applicable as the terrorists had taken hostages and murdered them later.
 - Pakistan as a State Party is obliged under this Convention to cooperate in investigations including extradition.

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MULTILATERAL OBLIGATIONS

- The SAARC Convention on Suppression of Terrorism, 1987
 - Mumbai attack is covered under it as a terrorist act.
 - The Convention requires States Parties to provide mutual legal assistance and has provisions for extradition.

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MULTILATERAL OBLIGATIONS

- Additional Protocol to the SAARC Convention on Suppression of Terrorism, 2004 [entered into force on 12th January 2006]
 - Has provisions related to suppression of financing of terrorism (similar to UN Terrorist Financing Convention).
 - Pakistan is required to take measures to freeze funds used for committing terrorist attacks.

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V. What Pakistan should do

This was a conspiracy launched from Pakistan. Gaps in knowledge can be filled by investigation and interrogation of conspirators there. Some of the actions that India expects Pakistan to undertake in extending cooperation to bring the terrorists to justice are listed in the following slide.

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What Pakistan should do (2)

- Handover conspirators to face justice in India.
- Handover fugitives from Indian law based in Pakistan.
- Dismantle infrastructure of Terrorism
- Prevent Terrorist acts from Pakistan.
- Adhere to and Implement bilateral, multilateral and international obligations.